

## UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 15, 2022

SEAN F. McAVOY, CLERK

United States of America  
v.

Case No. 1:22-mj-04170-ACE

JESUS ANTONIO MIRELEZ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/13/2022 in the county of Yakima in the  
Eastern District of Washington, the defendant(s) violated:

Code Section

Offense Description

18 United States Code, Section 922  
(g)(1)

Felon in Possession of Firearm and Ammunition

This criminal complaint is based on these facts:

Possession of the stolen Glock 22 pistol, chambered in .40 caliber, bearing serial number VSL128 on September 13th, 2022 at approximately 12:52 PM hours, while located in the Ford Explorer, later observed parked in his driveway.  
violation of Title 18, United States Code, Section 922(g)(1).☒ Continued on the attached sheet.Digitally signed by Thomas Garza  
Date: 2022.09.15 14:25:07 -07'00'

Complainant's signature

Thomas Garza, Task Force Officer, ATF

Printed name and title

☒ Sworn to telephonically and signed electronically☐ Sworn to before me and signed in my presence.Date: Sep 15, 2022, 4:25 pmCity and state: Yakima, Washington

Judge's signature



ALEXANDER C. EKSTROM, U.S. Magistrate Judge

Printed name and title

AUSA: RCB

COUNTY: YAKIMA

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Thomas Garza, your affiant, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. This Affidavit is in support of a criminal complaint against Jesus Antonio MIRELEZ (“MIRELEZ”), D.O.B. 12-17-89.

2. Your affiant is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). As such, your affiant is an investigator or law enforcement officer authorized to conduct investigations and/or make arrests for violations of Title 18 of the United States Code, and his training and experience is as follows.

1. I am a duly commissioned police officer with the Yakima Police Department. I was hired on June 17th, 2013, and have been employed with the Yakima Police Department for more than nine years. I hold a bachelor’s degree in Criminal Justice from Central Washington University. I attended and graduated the Washington State Police Academy, which included 720 hours of instruction. I am currently assigned to the Yakima Police Department Gang Unit as a criminal investigator, and I served as a uniformed patrol officer prior to this assignment.

2. In my experience as a police officer, I have investigated, participated, and been present for numerous investigations and arrests. These investigations range from, but are not limited to warrant arrests, domestic violence investigations/arrests, felony and misdemeanor assault investigations/arrests, sexual assaults, child abuse investigations/arrests, and investigations relating to weapons, narcotics, and theft.

3. During my tenure in the YPD Gang Unit, I have been exposed to gang members, their clothing, and subculture during social contacts, investigative detentions, and criminal investigations which include arrests. The criminal activities involving gang members that I have conducted investigations on, or that I have assisted with have included, but are not limited to, narcotics, weapons, drive-by shootings, domestic violence, sexual offenses, driving offenses, and homicides.

4. In January of 2021, I was deputized as a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Since that time, I have led and/or participated in multiple investigations in relation to unlawful weapons possession, narcotics, and fugitive apprehension.

5. Further, I know that cellular phones, specifically “smart phones,” often have connectivity to the internet via the service provider. I know from training and experience that these phones often contain “Apps,” which are downloadable programs which allow the user of the cell phone to interact with the

particular program. Of these programs, some of the most utilized are social media platforms such as Facebook, Snapchat, Instagram, etc. From training and experience, I know that the native programs of the cellular phone such as the “camera” function, can be utilized to upload media from the phone to the social media platform. Further, I know from training and experience that media / data can be created through social media apps, using the functions of the cellular phone, to capture live media, which is often uploaded to the social media app, which can be distributed through instant message, video messages, video uploads (often referred to as a “story”), and other audio messages. In my experience, I have seen and seized digital evidence such as this which captures the gang and drug subculture, where I have learned different styles of gang and drug vocabulary, and gang and drug images which are used to promote or further the gang or drug subculture.

6. Throughout my law enforcement career, I have been exposed to, trained, and have handled, fired, and disassembled various types of firearms to include, pistols, rifles, and shotguns. Furthermore, I have had training and experience with the handling of magazines, ammunition, and accessories related to the firearms listed above. Thus, I am generally familiar with the components, function, and operation of said firearms.

**SUBJECT OF THIS AFFIDAVIT**

7. The Subject of this investigation is Jesus Antonio MIRELEZ (“MIRELEZ”) 12-17-89, who suspected of being a Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1). MIRELEZ is a Hispanic male, born in 1989, with the address of 501 Barley St. in Zillah, Washington, listed on his Washington State Driver’s License/Identification (“WAID”) as his residence, according to the Washington Department of Licensing. MIRELEZ is also documented as a Norteno gang member with the “La Raza” gang, per the Washington State Gang Criteria. As detailed below, your affiant believes MIRELEZ is the user of Instagram account with username “naztyboi6”. MIRELEZ’s NCIC return shows he has two felony and six misdemeanor convictions in Washington State. Your affiant reviewed the Felony Judgement & Sentence for Yakima County Superior Court Case 10-1-00900-6, where MIRELEZ was found guilty for Assault 1<sup>st</sup> Degree and sentenced to incarceration for 111 months. On this document, your affiant located a signature for MIRELEZ, which indicted MIRELEZ’s understanding that he was prohibited from possessing any firearms.

**INVESTIGATION**

8. The facts and opinions set forth in this Affidavit have been derived from the above-described training and experience, as well as your affiant’s

personal participation in this investigation, and from information provided your affiant by agents and/or officers from other federal, state, and local law enforcement agencies, to include, but not limited to those named in this Affidavit. Because this Affidavit is being submitted solely for establishing probable cause to support the applied-for complaint, your affiant has not included every fact known concerning this investigation, but only have set forth facts necessary to support the authorization of this criminal complaint and subsequent arrest warrant.

9. On September 13<sup>th</sup>, 2022 at about 06:01 hours, ATF Task Force Officer Patrick Schad observed a “post” to the “story” of an Instagram account, believed to belong to Jesus A. MIRELEZ 12/17/89, depicting a person in possession of a firearm. TFO Schad was able to record this “story,” which consisted of several videos uploaded within approximately 17 hours prior to TFO Schad observing the video. TFO Schad showed the “story” to your affiant on September 14<sup>th</sup>, 2022. Your affiant watched the “story” from the beginning of TFO Schad’s recording.

10. Your affiant knows that a “story,” on social media, to include the Instagram platform, is a “post” of a singular picture or video, or a combination of pictures and/or videos, either captured live through the Instagram application or uploaded from a storage device (usually a cellular phone), which are viewable by Instagram users for approximately 24 hours after the media is uploaded by the user

to their “story.” The below information, in combination with other information known, is based on the above facts regarding Instagram.

11. Your affiant watched the recording from the beginning and observed the following. The “username” for the account was listed as “naztyboi6,” which could be seen in the upper left-hand corner of the screen. Next to the username, there was “17h”, which your affiant knows from training and experience means that this video was uploaded approximately 17 hours prior to the viewer (TFO Schad) observing the video of the “story” of “naztyboi6.” With the recording paused, your affiant observed the video began in the interior of a vehicle and showed the left hand of a person resting on the top of the steering wheel of the car. Your affiant observed the subject’s hand had visible tattoos just beneath the person’s thumb, going along the top (back) of the person’s hand.

12. Based on your affiant’s familiarity with MIRELEZ obtained as a result of your affiant’s duties as an investigator with the YPD gang task force, your affiant knows MIRELEZ to have numerous tattoos on his body, to include his hands.

13. A few seconds into the video, the video pans lower on the steering wheel, and your affiant could see a “Ford” emblem in the center of the steering wheel. Further, based on the interior of the vehicle, TFO Schad and your affiant believed that the vehicle was a Ford Explorer. Your affiant, based on his

experience as a Yakima Police Officer, has driven Ford Explorers (converted to police vehicles) for several years and is generally familiar with the interior of these vehicles. Also visible in the video is a light blue “Little Trees” air freshener hanging from the rear-view mirror of the Ford vehicle.

14. After a few moments, the recording shows what appears to be the exterior of a shed with what your affiant recognized from his training and experience to be Sureno gang tagging. The video captures more Sureno tagging on another building, and then pans over the driver’s left arm. The driver (suspected to be MIRELEZ) is observed to be wearing a red bracelet, and more of the driver’s tattoos can be seen going up the driver’s arm towards their elbow. The driver then makes a gesture with his left hand that your affiant recognizes, based on his training and experience, to be gang sign and flashes the number “4” with their fingers, excluding the thumb. The driver is wearing a ring on their left ring finger.

15. The next video in the “story” captured the stereo screen of the vehicle, which displays the time of 12:52, with no designation for AM or PM. However, based on the lighting outside of the vehicle evidencing daytime, the time is likely 12:52 PM. Since TFO Schad observed this video approximately 17 hours after it was uploaded to the “story” of “naztyboi6”, this would mean that the video was likely uploaded to Instagram by “naztyboi6” on September 13<sup>th</sup>, 2022. Your affiant concluded that 06:01 hours on September 14<sup>th</sup>, 2022 (when TFO Schad

observed and recorded the “story”) is approximately 17 hours after 12:52 PM on September 13<sup>th</sup>, 2022.

16. This video was captioned “On Lz we locced out” and zooms in on the stereo screen. The stereo screen of the suspected Ford Explorer, visible in the “story,” shows the “Sources” Bluetooth symbol and label and has the display of “Dizzy’s Note20 Ultra” on the screen. Based on your affiant’s experience with MIRELEZ, he knows that MIRELEZ uses the moniker of “Dizzy.” Thus, this portion of the video shows that the driver (MIRELEZ) likely had his cellular phone linked via Bluetooth to the vehicle’s audio system, and was listening to music from his phone titled “Dizzy’s Note20 Ultra” and further supports that the subject filming is MIRELEZ.

17. The video then pans towards the windshield, and your affiant could see a water tower which was labeled “Toppenish.” Your affiant is familiar with this water tower and knows that this water tower is in the area of Toppenish, WA, within the Eastern District of Washington. Sgt. Soptich was later able to capture a photograph of this same water tower in the area of Toppenish, WA confirming that MIRELEZ was in fact in the area of Toppenish, WA at the time the video was recorded and uploaded to Instagram.

18. At that point in the video, the videographer moved the camera down to his lap, and your affiant observed a black pistol laying on the person’s lap,

which your affiant, based on his training and experience, recognized as a Glock pistol. With the video paused, TFO Schad was able to observe the serial number of the Glock pistol, which was VSL128. YPD Sgt. Soptich checked this serial number in WACIC/NCIC and found the pistol was in fact a Glock model 22, chambered in .40 caliber, and found that it had been reported stolen with the Fort Hall Tribal PD in the state of Idaho in 2020.

19. ATF Acting Resident Agent in Charge (ARAC) Nicholas Kingston, who is a qualified Interstate Nexus Expert, provided your affiant with a verbal confirmation that the above listed Glock pistol was manufactured outside of the state of Washington, based on his observations from the video.

20. During the investigation, Sgt. Soptich and Detective Ryan Maybee of the Selah Police Department drove to MIRELEZ's residence, at 501 Bartley St. Zillah, WA 98953. This is the residence listed for MIRELEZ in the Yakima PD's records management system Spillman, and in the Washington State Department of Licensing (DOL). There, they observed a dark gray Ford Explorer parked in front of the above listed residence. Sgt. Soptich was able to capture a photograph of this vehicle, and take note of the Washington State temporary registration, #A5646870. Per the Washington State DOL, this registration returns to a 2017 Ford Explorer registered to Jazmine R. Hart ("Hart") 08/01/91 at 501 Bartley St. in Zillah, WA. Per Spillman records, Hart is believed to be the fiancé of MIRELEZ.

21. When Sgt. Soptich responded to 501 Bartley St. Zillah, WA, he captured a video of the exterior of the residence, which also captured the above listed Ford Explorer. Your affiant reviewed the video captured by Sgt. Soptich and saw a light blue “Little Trees” air freshener still hanging from the rear-view mirror. This furthered your affiant’s belief that MIRELEZ was inside of the above listed Ford Explorer during the time he possessed the stolen Glock pistol described above.

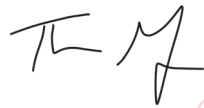
22. During this investigation, your affiant contacted DOC Specialist Jose Gonzalez and requested any photographs of MIRELEZ (accessed by DOC Specialist Jose Gonzalez in connection with his duties as a DOC specialist) which captured MIRELEZ’s tattoos. Specialist Gonzalez forwarded your affiant three photographs, two of which were of the tattoos on MIRELEZ’s left arm and right arm, to include both hands.

23. Based on these photographs in comparison to the above video, your affiant further believed the videographer was MIRELEZ, and that therefore, MIRELEZ was in possession of the stolen Glock 22 pistol, chambered in .40 caliber, bearing serial number VSL128 on September 13<sup>th</sup>, 2022 at approximately 12:52 PM hours, while located in the Ford Explorer, later observed parked in his driveway.

## CONCLUSION

24. Based on the aforementioned, your affiant's training and experience and knowledge of this investigation, your affiant submits there is probable cause to believe that on or about September 13, 2022, Jesus Antonio MIRELEZ 12-17-89, was in possession of a firearm as a person previously convicted of a crime punishable by a term of imprisonment exceeding one year, in violation of 18 U.S.C. § 922(g)(1), within the Eastern District of Washington.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



Digitally signed by Thomas  
Garza  
Date: 2022.09.15 14:25:44  
-07'00'

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Thomas Garza  
Task Force Officer, ATF

Sworn to telephonically and signed electronically on this 15<sup>th</sup> day of September, 2022.



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Honorable Alexander C. Ekstrom  
United States Magistrate Judge